

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LI ZHAO,

Plaintiff,

v.

KRISTI NOEM, *et al.*,¹

Defendants.

Case No. 2:24-cv-01894-JHC

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

Pro se Plaintiff brought this litigation pursuant to the Administrative Procedure Act and the Mandamus Act seeking, *inter alia*, to compel the U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate their Form I-589, Application for Asylum and for Withholding of Removal. Defendants’ response to the Complaint is currently due on February 10, 2025. The parties are currently working towards a resolution to this litigation. For good cause, the parties request that the Court hold the case in abeyance until August 8, 2025.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Defendants substitute Department of Homeland Security Kristi Noem for Alejandro Mayorkas, U.S. Citizenship and Immigration Services (“USCIS”) Acting Director Jennifer B. Higgins for Ur M. Jaddou and Acting U.S. Attorney General James McHenry for Merrick Garland.

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
5 P. 1.

6 With additional time, this case may be resolved without the need of further judicial
7 intervention. USCIS has scheduled Plaintiff’s asylum interview for April 10, 2025. USCIS
8 agrees to diligently work towards completing the adjudication within 120 days of the interview,
9 absent unforeseen or exceptional circumstances that would require additional time for
10 adjudication. If the adjudication is not completed within that time, USCIS will provide a status
11 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to
12 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit
13 documents prior to the interview may require the interview to be rescheduled and the
14 adjudication delayed. If needed, Plaintiff will bring an interpreter to the interview, otherwise the
15 interview will need to be rescheduled and the adjudication delayed. After the interview, USCIS
16 will need time to adjudicate Plaintiff’s asylum application. Once the application is adjudicated,
17 Plaintiff will dismiss the case with each party to bear their own litigation costs and attorneys’
18 fees. Accordingly, the parties request this abeyance to allow USCIS to conduct Plaintiff’s
19 asylum interview and then process their asylum application.

20 As additional time is necessary for this to occur, the parties request that the Court hold
21 the case in abeyance until August 8, 2025. The parties will submit a status update on or before
22 August 8, 2025.

23 //

24 //

DATED this 21st day of February, 2025.

Respectfully submitted,

TEAL LUTHY MILLER
Acting United States Attorney²

s/ Michelle R. Lambert
MICHELLE R. LAMBERT, NYS #4666657
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See Attached Page for Signature^[3]

LI ZHAO, *Pro Se Plaintiff*
1710 S Bayview Street
Seattle, WA 98144

Pro Se Plaintiff

Attorneys for Defendants

*I certify that this memorandum contains 378
words, in compliance with the Local Civil Rules.*

² Teal Luthy Miller became the Acting United States Attorney after Plaintiff executed their signature. When Plaintiff executed their signature, the United States Attorney was Tessa M. Gorman.

^[3] Attached to motion at Dkt. # 9.]

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify on today's date, I electronically filed the foregoing and the following Notice to Withdraw Pending Motion with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify on today's date, I arranged for service of the foregoing on the following non-CM/ECF participant(s), via Certified Mail with return receipt, postage prepaid, addressed as follows:

Li Zhao, *Pro Se Plaintiff*
1710 S Bayview Street
Seattle, WA 98144

DATED this 21st day of February, 2025.

s/ Stephanie Huerta-Ramirez
STEPHANIE HUERTA-RAMIREZ, Legal Assistant
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Western District of Washington
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ORDER

The case is held in abeyance until August 8, 2025. The parties shall submit a status update on or before August 8, 2025. It is so **ORDERED**.

DATED this 21st day of February, 2025.


JOHN H. CHUN
United States District Judge